

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DEBRA DIANE DAVIS	§	PLAINTIFF
	§	
v.	§	CIVIL NO.: 1:14cv215-HSO-RHW
	§	
CAROLYN W. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY	§	DEFENDANT
	§	
	§	

**ORDER ADOPTING PROPOSED FINDING OF FACT AND
RECOMMENDATION, GRANTING MOTION FOR SUMMARY JUDGMENT,
AND REMANDING CLAIMS FOR DISABILITY INSURANCE BENEFITS
AND SUPPLEMENTAL SECURITY INCOME**

BEFORE THE COURT is the Proposed Finding of Fact and Recommendation [18] of United States Magistrate Judge Robert H. Walker entered on June 8, 2015. Also before the Court is the Motion for Summary Judgment [13] filed by Plaintiff Debra Diane Davis (“Plaintiff”) seeking remand of the Administrative Law Judge’s (“ALJ”) November 9, 2012, unfavorable decision finding that Plaintiff remained capable of performing ‘other work’” despite a “finding that Plaintiff was unable to perform any past relevant work” Br. in Supp. of Mot. for Summ. J. 1 [14]. According to Plaintiff, the ALJ erred when he relied upon the medical vocational guideline grids set forth in 20 C.F.R. Pt. 404, Subpt. P, App. 2, when making the determination as to whether there is work in the national economy that Plaintiff could perform despite her disability. *Id.* at 3-4.

To date, no objection to the Proposed Finding of Fact and Recommendation [18] has been filed by Defendant Carolyn W. Colvin, Acting Commissioner of Social Security (“the Commissioner”). Where no party has objected to a magistrate judge’s

findings of fact and recommendation, a court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) (“[A] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, a court need only review the proposed findings of fact and recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Proposed Finding of Fact and Recommendation [18] thoroughly considered all issues and is neither clearly erroneous nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Plaintiff’s Motion for Summary Judgment [13] should be granted and that Plaintiff’s claims for disability insurance benefits and supplemental security income should be remanded to the Commissioner for further proceedings in light of the Court’s conclusion. The Proposed Finding of Fact and Recommendation will be adopted as the opinion of this Court. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Finding of Fact and Recommendation [18] of Magistrate Judge Robert H. Walker entered on June 8, 2015, is adopted as the opinion of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Motion for Summary Judgment filed by Plaintiff Debra Diane Davis is **GRANTED**, and

Plaintiff's claims for disability insurance benefits and supplemental security income are **REMANDED** to the Commissioner for further proceedings.

SO ORDERED AND ADJUDGED, this the 26th day of June, 2015.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE